

ADAMS MORGAN



PARTNERSHIP BUSINESS IMPROVEMENT DISTRICT

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Main Street
Denis James, Kalorama
Citizens' Assn.
Nancy Shia, ANC 1C

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Councilmember Jim Graham
Commander Jacob Kishter

Executive Director
Kristen L. Barden

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August 30, 2010

Mr. Helder Gil
Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 5164
Washington, DC 20024

Re: Comments to Notice of Proposed Rule Making Concerning Vending

Dear Mr. Gil,

We, the members of the Adams Morgan Partnership BID, who have signed the attached petition have reviewed the Notice of Proposed Rulemaking concerning the changes to the vending regulations and have concerns that these regulations have not adequately contemplated the effect of vending locations on Adams Morgan 'brick and mortar' businesses.

Vending as a business opportunity can be a 'laboratory' for new goods or services which are not currently offered at a "brick and mortar" location, or an opportunity for a new business person to get into business with minimal capital outlay. The AMPBID, made up of many small, independently owned businesses, supports food trucks in their endeavor to spread good food throughout DC. We do, however, request guidelines that support the spread of their business in areas that are currently underserved by existing food establishments that have made heavy investments in the community.

However, brick and mortar businesses invest hundreds of thousands, if not millions, of dollars in developing their permanent storefront locations and pay millions in sales taxes, BID taxes, rent, fees and other taxes associated with operating a permanent location in addition to providing jobs for DC residents and the taxes generated by each of those residents. They have paid a premium for a location on the street and access to customers in that area. The vending trucks have not. Additionally, given their permanent locations, it is likely that the Office of Tax and Revenue (OTR) will have little difficulty making sure all taxes are paid.

Accordingly, for all of these reasons, the balance of the interest of vendors and permanent business locations operators must assure that vendors do not unfairly compete or unreasonably interfere with the operations of permanent businesses. Here are specific considerations we would like included:

Sidewalk Cafes

Adams Morgan's sidewalk cafes, located on public space adjacent to restaurant, not only generate additional sales tax revenue and provide more

jobs, but also provide more 'eyes and ears' on the street thereby making it friendlier and safer for everyone. To place a vendor directly in front of or on the sidewalk next to a restaurant is extremely detrimental to the visibility and viability of these businesses. Not to mention the ability for police to closely monitor the activity on the sidewalks. **No vendor should be allowed to set up within 12 feet of a licensed sidewalk café and especially if activity can not be monitored by MPD.**

Sidewalks/Customers waiting in line

Adams Morgan is a neighborhood with narrow sidewalks. Customers waiting in line for food from a vending truck will COMPLETELY block the sidewalk and access to the businesses, as well as create a public safety hazard to pedestrians in general. (It is the very reason that street musicians are not allowed in Adams Morgan: they create blockages on sidewalks.) **No vendor should be allowed to set up in a location where the sidewalk is less than 12 feet wide.**

Mobile Food Trucks Should be Mobile

Food trucks are mobile, and utilize social media to encourage customers to find them and who are waiting when they arrive. **They should be required to stay mobile, and never be allowed to stay in one location for more than 30 minutes. They should also not be allowed to move to a second location on the same block or connecting blocks.** They must move to a new location completely. This way, they do not destroy the ENTIRE lunch-business or dinner-business of anyone who does have a property-tax-paying-business.

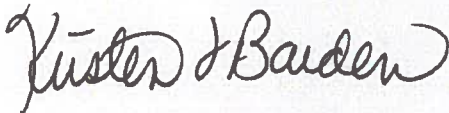
Locations

Vendors should never be allowed to park within 100 feet of an existing food establishment of any kind. They should be allowed park in front of libraries, executive buildings, retail locations, on the mall, at metro stations in the outlying areas, etc... but not directly in front of food establishments.

Vendors should not be allowed to set up in areas that have been designated by the city as "entertainment districts". These are the neighborhoods that are focused almost exclusively on food and entertainment (Adams Morgan, U Street, China Town, H Street, NE as examples).

Vendors should not be allowed in a BID area, without careful review of locations with BID personnel. In a BID area, merchants have joined together with the city to participate in an augmented program of responsibility in the community. Vendors would be using our services, and not contributing financially to the costs. They would be generating trash, causing our safety ambassadors to control their lines on our sidewalks, etc... This is directly contrary to the concept of the BID which the city has partnered with us to create.

Sincerely,



Kristen Barden
Executive Director

cc: Councilmember Jim Graham, Ward 1
Councilmember Jack Evans, Ward 2
Neil Albert, City Administrator
Valerie Santos, Deputy Mayor, DMPED
Gabe Klein, Director, DDOT

Petition regarding vending regulations

We the below signed businesses and commercial property owners in Adams Morgan agree with the attached letter that will be sent to DCRA on 8-31-10.



| NAME | BUSINESS | PHONE NUMBER | EMAIL ADDRESS |
|--------------------|-------------------------|--------------|-------------------------|
| 1 Scott Auslander | Venture Sports Cafe | 202-234-3070 | sauslander@hotmail.com |
| 2 Stan Teunkov | SLAVIA Rest. | 202 344-7140 | s_tunkov@yahoo.com |
| 3 Abdelilah Souada | Pizza Polli's | 202 462 0222 | ASOUAD33@yahoo.com |
| 4 Nq' Faith | QUEEN'S CAFE | 202 629 8924 | queenhadi@yahoo.com |
| 5 Constance Spence | THE DUKE | 202 210 9065 | TRUSTINC@att.com |
| 6 Constance Spence | TRUST | 202-210 9065 | TRUSTINC@att.com |
| 7 Ariane Benoit | Amsterdam Falafel Shop | 202-468-6489 | arianne@falafelshop.com |
| 8 SCOTT BENNETT | AMSTERDAM FAFAELSHOP | 202 415 6489 | SCOTT@FAFAELSHOP |
| 9 Aine Kang | Mybomber | 202-526-5590 | KangAine@yahoo.com |
| 10 TONY POLILLO | B.L. NEWS INC | 202-234-0494 | |
| 11 Jose Ramos | O'SBA MART. | 202 234-9700 | |
| 12 John | NORTSEA AND SUSHI BAR | 2023327628 | ANNIE061009@yahoo.com |
| 13 JANE MONTGOMERY | MT REC INC | 202-332-1011 | JL |
| 14 JANE BOYD | Startrading Inc | 202-578-8150 | J2N4800@yahoo.com |
| 15 Abner Kharavald | OLD CITY CAFE | 202-232-1322 | |
| 16 Tyronne Linton | Pizza Hut | 202-986-1100 | MIKEINTIG@yahoo |
| 17 FERNANDO GIRON | Chupacabra Madrid | 202 483 4441 | ESIRON78@hotmail.com |
| 18 | CONSERVATION RESTAURANT | 202.797 7555 | |

Petition regarding vending regulations

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FEDERAL TRADE COMMISSION

| NAME | BUSINESS | PHONE NUMBER | EMAIL ADDRESS |
|----------------------|------------------------------|---------------------|--------------------------------|
| 1. A. A. Henry & Son | O'Fasty | 202-234-2788 | |
| 2. David DeBella | Super Food | 202 433 71-81 | |
| 3. Edmundo Aragon | Julian's Pizzeria | 202 265-1214 | |
| 4. Juan Loyola | Bolo Granger | 703 203 1997 | Juan Loyola@hotmail.com |
| 5. Greg Parzani | Nova Wine & Spirits | 202 265-5066 | Gmparzan1@hotmail.com |
| 6. Edys Carrasco | El Aguila | 202-234-9260 | Ashley.2006@live.com |
| 7. Veronica Blanco | Adventure Latin Travel | 202-245-6300 | adventurelatintravel@gmail.com |
| 8. Tom T. Miller | Porter's House | (202)-332-5183 | booksandbits@portershouse.com |
| 9. Gloria Abate | Wireless Plus | 202-462-4777 | wirelessplus@verizon.net |
| 10. ABE ABURKHAN | Rock Creek Express | 202-234-0922 | RockCreekExpress@aol.com |
| 11. Jason Kim | So's Your Mom | 202-461-3886 | SealK200@gmail.com |
| 12. Gary Taylor | Gary Taylor's Fine Art/Frame | 202-483-5853 | G-T-Taylor@aol.com |
| 13. Esther Quispe | Gracia de Oro | 202-232-8888 | |
| 14. Pedro Ruiz | Mexicana Clothing Co. | 202-446-4410 | MexicanaClothingCo@aol.com |
| 15. Marcos Gonzalez | Mexico de Mexico | 202-515-5892 | |
| 16. Wilson Pizarro | Mullins Embroiders | 202-365-8209 ext 11 | bpizarro@verizon.net |
| 17. E. E. | Kaibara | 202-332-1202 | plung202@gmail.com |
| 18. Thomas Brown | McDonald's | 202-332-1805 | |

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| NAME | BUSINESS | PHONE NUMBER | EMAIL ADDRESS |
|------------------------|----------------------------------|-------------------------|-----------------------------------|
| 1 NITEL EAT-OUTS | Shawarma Spot | 202.332.3797 | eat@shawarmaspot.com |
| 2 Pardus Fundastri | New Orleans Cafe | 202-234-0420 | Pardus@leu2bn.net |
| 3 BLM P&P | CAOUL BOB | 202.443-2328 | clenburtonbill@gmail.com |
| 4 2 | SHACHTI CAFE | 265 6665 | |
| 5 Ligea Inc | Los Conters | 265-1786 | andresc@varizant.net |
| 6 Mohamed AYHAN | SAVANT DIVERSE | 202 240 9440 | savandurda@gmail.com |
| 7 HOGAN Joe | Spice food store | 202 588-7431 | |
| 8 Radhika | Picture Frame Factory | 265-6767 | |
| 9 Gama Lashali | Adams Morgans Cafe Shop | 202 588-0599 | |
| 10 Helen Bridale | Adams Morgans Cafe Shop | 202-986-6013 | |
| 11 RATHER NEURIN | Adams Morgans Cafe Shop | 202-986-6013 | |
| 12 MADAN CHAKRABORTY | EXPRESS WAREHOUSE | 202-205-3715 | AdamsMorgansCafeShop@gmail.com |
| 13 AICHA GEBRESELASSIE | International Dental Care | 202-234-8998 | internationaldentalcare@gmail.com |
| 14 GRS WARMAN | AM Wine Shoppers | 202 506 2248 | amwineshoppers@gmail.com |
| 15 Andre Akre | Blancs Salon | 202 567-5374 | |
| 16 KIL JAVIER | Piccon & Pina | 202 299 1010 | picconepina@gmail.com |
| 17 Melissa Walsh | Khartoum Chen | 202-265 7100 | ALPH GWS@Yahoo.com |
| 18 ALAELBIN Ahmed | | | |

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| NAME | BUSINESS | PHONE NUMBER | EMAIL ADDRESS |
|-------------------------|----------------------------|-----------------------|------------------------------|
| 1 XXXXXXXXXX | | XXXXXXXXXX | XXXXXXXXXX |
| 2 LONG Luu | PL Nails | 202-232-7040 | long_luu@yahoo.com |
| 3 Lynn Skyrone | Furniture Accessories Shop | 202-747-7160 | SKyroneinc@aol.com NO TUX ON |
| 4 HILARY | Salon YZ | 202-986-0707 | Salonxyz@hotmail.com |
| 5 Wendy Nelson | The Printer | 202-332-3945 | theprinter@verizon.net |
| 6 Long Range | EL TARRERO | (202) 328-3660 | AREXEDON@yahoo.com |
| 7 Mel P. Peeres | Localat Cafe | 202/518-2576 | mel@belque.localat.com |
| 8 Salsam | Urban Soap | 202-265-5558 | Salsam.urbansoap.com |
| 9 Ted Wells | The Town Tavern | (202) 887-1000 | ted@thetowntavern.com |
| 10 Toshi Dolma | Tibet Shop | (202) 834-6400 | toshidolma@yahoo.com |
| 11 Judith Frier | Judith Dominican Style | 202-232-6191-90 | judithfrier@yahoo.com |
| 12 DRISHTHAKI ZAKARIA | BAZAR ATLAS | 202-339-1911 | |
| 13 Roquel De Souda | THE GUILD FROM SPAIN | 202-986-0577 | Roqueldeaguila@aol.com |
| 14 | | | |
| 15 | | | |
| 16 | | | |
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